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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,332	08/14/2001	Ross A. Jeffery	1595-17/MBE	6683
38735 7590 09/27/2010 DIMOCK STRATTON LLP 20 QUEEN STREET WEST, 32nd FLOOR, BOX 102 TORONTO, ON M5H 3R3 CANADA				
EXAMINER SHEPARD, JUSTIN E				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/928,332

Applicant(s)

JEFFERY, ROSS A.

Examiner

Justin E. Shepard

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 22, 26, 27, 29, 30, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 26, 27, 29, 30, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 3/19/10

DETAILED ACTION

Response to Arguments

Page 2, paragraphs beginning with "The claimed" and "The embodiment":

The applicant is arguing that Williams does not disclose a system for "outputting an output signal containing the user-selected channel only to the user's premises," but instead transmits the requested channels to all users over a single bus (Williams: column 17, lines 60-65). Referring to the wording, the server outputs a signal containing the user-selected channel only to the user's premises. The applicant seems instead, to be arguing that the server outputs a signal only containing the user-selected channel only to the user's premises. Williams teaches that a signal can be routed to a single room in a household (column 18, lines 21-26), which along with the portion that teaches that a single tuner is provided for each user (column 18, lines 4-5) teaches a system wherein only one user in the system is able to received the modulated signal. Therefore the output signal containing the user selected channel is outputted only to the user's premises (read room), as only the user in that room would have the password to unlock the channel being transmitted.

The examiner understands that this may be different than the invention, but this is how the invention is currently claimed. As can be understood by the examiner, the actual invention uses phone wires to transmit the signals to the users and not coaxial cables as is being used in the main reference used in the rejection. The difference being that telephone wires are not a shared wiring system like the coax wiring system is, which would allow for individual addressability without using passwords. Although

figure 4 of Williams seems to teach an embodiment that uses phone wires to distribute content, so before an amendment to that nature is filed, it is suggested that the applicant reviews that portion of Williams. To move prosecution along, the applicant is invited to fax in possible amendments to the examiner (571-273-5967) so the applicant does not waste an amendment.

Page 3:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that a low bandwidth link like telephone wire is used instead of a high bandwidth link that is found in Williams) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Also, as stated above, Williams does teach an embodiment that uses telephone wire, so that alone would not be enough to get around Williams.

Page 4, paragraph beginning with "The applicant":

The applicant argues that Williams does not teach a processor of processing the signals for switching. The examiner has referred to the figure 1 (parts 26, 36, 46, etc.), which shows that the processor is used to process the signals for switching. Looking at the figure cited (figure 25, part 205) of Williams, the microprocessor only controls the

demodulators, descramblers, and modulators and does not process the signals for switching. Therefore a new reference will be added to teach the processor for processing the signals.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 22, 26, 27, 29, 30, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US Pat 6,202,211) in view of Hamlin (US Pat 5,574,964) in view of Willis (US Pat 6,385,647) in view of Lee (US Pat 5,757,936)

Referring to claim 21, Williams (US Pat 6,202,211) discloses a system for redistributing a plurality of audio/video input signals to a plurality of communications interfaces over conductors (figure 24), comprising:

a server (column 17, lines 46-49),

at least one demodulator for demodulating the input signals (figure 25, part 210), the server controlling an output channel selection of the input signals responsive to one or more control signals corresponding to a single user-selected channel input into any one of the plurality of communications interfaces in a user's premises (column 18, lines 4-13 and 21-26), and

the switching device being controlled by the server (figure 24) and

outputting an output signal containing the user-selected channel only to the user's premises responsive to the one or more control signals input into the one of the plurality of communications interfaces (column 18, lines 4-13; column 17, lines 54-65), wherein the communications interface in the user's premises receives the channel selection for transmission of the user-selected channel to a receiving unit connected to the communications interface (figure 25; column 18, lines 4-13).

Williams does not disclose a system wherein at least one switching device for routing the channel selection in the format of an internet protocol; and at least one processor for processing the signals for switching.

In an analogous art, Hamlin (US Pat 5,574,964) teaches a system wherein at least one switching device for routing the channel selection in a different format (figure 2; column 3, lines 3-12).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the format switching taught by Hamlin to the system disclosed by Williams. The motivation would have been to allow multiple inputs to be distributed over a single bus (Hamlin: column 3, lines 25-28).

Williams and Hamlin do not disclose a system wherein the different format is an internet protocol; and at least one processor for processing the signals for switching.

In an analogous art, Willis (US Pat 6,385,647) teaches a system wherein the different format is an internet protocol (Figure 1; column 9, lines 58-67; column 11, lines 40-49).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the IP format taught by Willis to the system disclosed by Williams and Hamlin. The motivation would have been enable the system to use the internet for transmission, which would allow for both wired and wireless communications using existing widely used technologies that would save on development costs.

Williams, Hamlin and Willis do not disclose system with at least one processor for processing the signals for switching.

In an analogous art, Lee (US Pat 5,757,936) teaches a system with at least one processor for processing the signals for switching (figure 1, part 20; column 2, lines 40-45).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the signal processing taught by Lee to the signal routing system disclosed by Williams, Hamlin and Willis. The motivation would have been to adapt the signals to be output on a different communications medium without disrupting the signals (Lee: column 2, lines 58-63; Williams: figure 4; column 6, lines 3-19).

Claim 29 is rejected on the same grounds as claim 21.

Referring to claim 22, Williams does not disclose a system of claim 21 in which the input signals are in different signal formats.

In an analogous art, Hamlin (US Pat 5,574,964) teaches a system of claim 21 in which the input signals are in different signal formats (figure 2).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the demodulator taught by Hamlin to the system disclosed by Adams. The motivation would have been to allow multiple inputs to be distributed over a single bus (Hamlin: column 3, lines 25-28).

Claim 30 is rejected on the same grounds as claim 22.

Referring to claim 26, Williams (US Pat 6,202,211) discloses a system of claim 21 in which the communications interface includes a data interface for receiving data from a keyboard, joystick, card reader, bar code reader, or other data-providing device (column 4, lines 64-67).

Claim 34 is rejected on the same grounds as claim 26.

Referring to claim 27, Williams (US Pat 6,202,211) discloses a system of claim 21 in which the communications interface includes a network interface for transmitting data from a computer as an input signal to the demodulator (figure 25).

Claim 35 is rejected on the same grounds as claim 27.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin E Shepard/

Examiner, Art Unit 2424